



CP 13679
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Venegas, Jr.

Serial No.: 09/815,628 ✓

Group No.: 3679

Filed: March 23, 2001

Examiner: V. Macarthur

For: HANDRAIL SYSTEM

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that the attached correspondence comprising:


Petition to Have Elected Claims Examined
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On August 28, 2002.


Sheryl L. Hammer



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

71.8
PETITION
9/13/02
JCS

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PETITION TO HAVE ELECTED CLAIMS EXAMINED

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Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The applicant hereby petitions to have elected claims 5-21 examined in light of the following facts and argument.

Facts

The above application was filed with 24 claims (Attachment A). The drawings of various embodiments of the present invention were illustrated in 23 figures (Attachment B). In a Restriction Requirement mailed June 10, 2002, the Examiner identified five species that he considered to be patentably distinct (Attachment C).

Applicant responded to the Restriction Requirement by electing Species 2, with traverse, and indicated that claims 5-21 are directed to the species. In addition, Applicant indicated that Species 2, 3 and 4 should be combined. A copy of the response is attached hereto as Attachment D. In an Office Action mailed August 1, 2002 (Attachment E), the Examiner acknowledged the election, but gave a complicated argument as to why only claims 9, 10, 15 and 17 are being examined.

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Species 2, 3 and 4 Should Be Combined

Species 2, 3 and 4 should be combined and examined without further restriction. The embodiments shown in the figures associated with these species each show a handrail assembly with an infill panel received therein, or component parts thereof. There is sufficient similarity between these embodiments to allow the Examiner to perform a search without undue burden. In addition, many of the elected claims read on all of the embodiments shown in species 2-4. At a minimum, claims 9, 10 and 17 are generic to each of the embodiments in these species and claim 5 is clearly generic to species 2 and 3. The remaining elected claims depend from these generic claims.

Claims 5-21 Should be Examined

Examination of claims 5-21 does not present any undue burden on the Examiner and species 2-4 are sufficiently closely related to allow for a single search and Office Action. The Examiner's complicated explanation as to why he is only considering four claims deprives Applicant of proper consideration of his application.

In light of the above, Applicant respectfully petitions for claims 5-21 to be examined. Any questions should be directed to Applicant's below-signed representative.

Respectfully submitted,

By: 

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Date: August 20, 2002